



Montoya, Darlene <dmontoya@nmag.gov>

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## Response to Resistance Policy

2 messages

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**Wesley Waller** <wwaller@currycounty.org>  
To: dmontoya@nmag.gov

Thu, Jan 26, 2017 at 3:41 PM

Ms. Montoya,

Please find attached the Response to Resistance policy for the Curry County Sheriff's Office. I apologize for the delay. Over the last two months we have been in transition from an older policy to this one, and that transition will be finalized next Wednesday.

We do not have a policy specific to officer-involved shootings, but rather a protocol. Investigations of these types of incidents are conducted by the Ninth Judicial District - Major Crime Unit. This unit is comprised of investigators from five agencies within Curry and Roosevelt counties, and at times assisted by the New Mexico State Police - Criminal Investigations Bureau and Crime Scene Unit.

Feel free to contact me if I can be of further assistance.

**WESLEY WALLER, SHERIFF**

**CURRY COUNTY SHERIFF'S OFFICE \* 700 NORTH MAIN, SUITE 4 \* PO Box 1043 \* CLOVIS, NEW MEXICO \* 88101**

**OFFICE: (575) 769-2335 \* FAX: (575) 763-4440**



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### 2 attachments

 **Response to Resistance (Final).docx**  
165K

 **Response to Resistance 2017.doc**  
117K

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**Montoya, Darlene** <dmontoya@nmag.gov>  
To: Wesley Waller <wwaller@currycounty.org>

Thu, Jan 26, 2017 at 4:07 PM

Thank you so much Sheriff Waller. Have a great rest of the day and stay safe.

[Quoted text hidden]

—  
Darlene Montoya, Administrator  
New Mexico Attorney General's Office  
408 Galisteo Street  
Santa Fe, New Mexico 87501  
(505) 490-4854



## CURRY COUNTY SHERIFF'S OFFICE POLICIES & PROCEDURES

**POLICY NUMBER:** OPR 1  
**EFFECTIVE DATE:** MAY 14, 2007  
**REVISED DATE:** FEBRUARY 1, 2017

### **RESPONSE TO RESISTANCE**

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*This policy statement and the procedures there under are intended for Sheriff's Office use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

### **I PURPOSE**

The use of force is a serious action and when deciding whether or not to use force, deputies shall act within the boundaries established by the United States and New Mexico Constitutions, relevant federal, state and local laws and precedents. This use of force policy and all other relevant and related Curry County Sheriff's Office policies, best practices and training, are intended to establish guidelines that when combined with sound ethics and good judgment, provide for lawful application and use of force.

### **II POLICY**

A deputy shall use only that degree of force that is objectively reasonable under the circumstances and only to effect lawful objectives. A deputy may use deadly force in accordance with this policy and the law, and when all reasonable alternatives appear impracticable or objectively unreasonable.

### **III APPLICABILITY**

This policy shall apply to all employees and volunteers of the Curry County Sheriff's Office who under the authority or color of law, are authorized or permitted to use force against another person for lawful purposes.

### **IV REFERENCES**

Amendments IV, XIV, *United States Constitution*; Article II, Sections 10 and 18, *New Mexico Constitutions*; *Graham v. Connor*, 490 U.S. 386 (1989); *Tennessee v. Garner*, 471 U.S. 1 (1985); *Quezada v. County of Bernalillo*, 944 F.2d 710 (10<sup>th</sup> Cir. 1991); *Casey v. City of Federal Heights, C.A. 10 (Colo.)*, 2007; Use of Force Policy (Rev. 3-10), *Denver (Co) Police Department*; Deadly Force Policy (7/2004), *United States Department of Justice*; Use of Force Policy (7/2009), *Los Angeles Police Department*; Model Policy on Use of Force, *International Association of Chiefs of Police*; "Use-of-force policies and training: A reasoned approach (Part I and II)", *Thomas D. Petrowski, J.D., F.B.I. Law Enforcement Bulletin*, Nov. 2002 Issue; National Tactical Officer's Association Training Materials (2007)



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**V DEFINITIONS**

- A. **Deadly force:** is force that has a substantial likelihood of causing death or serious bodily injury
- B. **Less-lethal force:** any force other than deadly force which is designed for or used in a manner so that it creates a lower potential for causing death or great bodily injury than conventional police tactics or traditional deadly force weapons
- C. **Imminent / immediate threat:** for the purposes of this policy, the words imminent and immediate are synonymous. "In relation to homicide in self-defense, this term (imminent danger) means immediate danger, such as must be immediately met" (Black's Law Dictionary). Immediate / imminent means that an action is pending with little or no time spacing. A subject can pose an imminent threat even if he is not at that very moment pointing a weapon at a deputy or other person. For example, an imminent threat may exist if deputies have probable cause to believe any of the following (these examples are not all inclusive):
  - 1. The subject possesses a weapon, or is attempting to gain access to a weapon, under circumstances indicating an intention to use it against a deputy or other person; or,
  - 2. When a violent felony suspect is armed with a firearm and running to gain the tactical advantage of cover; or,
  - 3. A subject with the capability of inflicting death or great bodily injury – or otherwise incapacitating a deputy or others – without a deadly weapon, is demonstrating an intention to do so; or,
  - 4. The subject is attempting to escape from the vicinity of a violent confrontation in which the subject inflicted or threatened the infliction of death or great bodily injury, and if the subject were allowed to escape, it would be reasonable to believe that he would continue to pose a danger to deputies or others.
- D. **Reasonable belief:** when facts or circumstances the deputy reasonably believes, knows, or should know are such as to cause an ordinary and prudent deputy to act or think in a similar way under similar circumstances
- E. **Probable cause:** facts and circumstances that would lead a reasonable person to believe that a crime is being committed, has been committed or will be committed.



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- F. ***Objectively reasonable***: the legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the U.S. Constitution (see *Graham v. Connor*, 490 U.S. 386 (1989)). According to *Graham* the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation. As in other Fourth Amendment contexts, however, the “reasonableness” inquiry in an excessive force case is an objective one: the question is whether the officers’ actions are “objectively reasonable” in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. Therefore, the Curry County Sheriff’s Office examines all uses of force from an objective standard, rather than a subjective standard.
- G. ***Great bodily harm / injury, serious physical injury or serious bodily harm***: an injury to a person which creates a high probability of death, results in serious disfigurement, results in loss of any member or organ of the body or results in permanent or prolonged impairment of the use of any member or organ of the body
- H. ***Suspect / subject***: a suspect is defined as someone who is the target of a criminal action or investigation (i.e. a battery suspect). A subject is defined as any other person that is the target of a law enforcement action and is not a suspect (i.e. an armed / unarmed suicidal subject). Depending on the actions of a “subject”, he or she can become a “suspect” if they commit a criminal act.
- I. ***Deadly weapon***: means any firearm or other weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner it is used or is intended to be used is known to be capable of producing death or serious bodily injury.
- J. ***Less-lethal weapon***: is any weapon that when used against another living being, and in accordance with Office approved training, has less of a potential of causing great bodily harm or death when compared to a deadly weapon. Some less-lethal weapons can be used as a deadly weapon when target areas such as the high chest, neck, head or groin are intentionally targeted by the operator.



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- K. ***Weapon of opportunity***: is any instrument that could be used by a deputy to defend themselves or another against a violent attack. A weapon of opportunity could include, but is not limited to: a stick, vehicle, hammer, glass bottle, pipe, flashlight, sand, a rock, gravity, a knife, a rope, etc.
- L. ***Excessive Force***: is the application of more force than is reasonably necessary at the time; too much force could be applied or the correct amount of force could be applied but for too long of a period of time

**VI PROCEDURES**

The use of force, especially force likely to result in serious bodily injury or death (including a firearm), is a serious action. When deciding whether to use force to respond to a perceived threat, deputies shall act within the boundaries of the United States and New Mexico Constitutions and laws, relevant case law – both federal and state, sound ethics, good judgment, this use of force policy or “continuum”, and all other relevant Curry County Sheriff’s Office policies, practices and training.

With these values in mind, a deputy shall use only that degree of force that is objectively reasonable under the circumstances and only to effect lawful objectives. A deputy may use deadly force in accordance with this policy and the law, and when all reasonable alternatives appear impracticable or objectively unreasonable.

- A. Deputies should ensure that they do not engage in unreasonable actions that precipitate the use of force as a result of tactical, strategic, and procedural errors that place themselves or others in jeopardy. Additionally, when considering the safety of others, deputies will place the following types of persons / property in the following order of priority (also known as “The Priority of Life”).
  - a. Hostages/innocent bystanders /other non-law enforcement first responders
  - b. Law enforcement personnel
  - c. Suspect/subject
  - d. Property



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- B. As an example to clarify The Priority of Life ranking, in general deputies should not make decisions or take courses of action which would tend to place the safety of a suspect / subject above that of themselves or another law enforcement officer, innocent bystanders, other first responders, or hostages.

When applying any type of force in an objectively reasonable manner, a deputy must first determine the specific facts and circumstances that are available to him/her about the particular case before him/her.

- A. The law understands that often times deputies are asked to make split second decisions, that are tense, uncertain and rapidly evolving. Personnel within this Office should make themselves familiar with this policy and the law surrounding uses of force consistent with their training. So to clarify, it is not expected that a deputy will think about this policy and all the factors listed within this policy prior to using force during an actual event, but rather the deputy should have a firm understanding of what factors should be considered when using force long before the deputy is placed in a position to use force. **Knowledge is key, and it is the desire of this agency for each employee that is affected by this policy to thoroughly understand use of force law and this policy, so that when it is time to use force against another, that they do so in a manner that is consistent with the law and this policy, and without hesitation if needed.** Determining whether the force used to effect a particular seizure is reasonable under the Fourth Amendment requires a carefully balancing of the nature and quality of the intrusion on the individual's Fourth Amendment interests against the countervailing governmental interests at stake. The three main factors that a deputy should consider when using force are:

- Whether the suspect/subject poses an immediate threat to the safety of other law enforcement personnel or others, and
- Whether the suspect / subject is actively resisting arrest or attempting to evade arrest by flight.
- The severity of the crime at issue,



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- B. When determining whether or not the suspect poses an immediate / imminent threat to the safety of deputies or others, the deputy should consider the following (this list is not all inclusive):
1. Is the suspect / subject currently believed to be armed, and if so, are they currently threatening themselves or others with the weapon or have they done so in the immediate past?
  2. Is the suspect / subject in a confrontational stance or showing other signs of aggression towards a deputy or citizen?
  3. Is the suspect / subject refusing to comply with lawful commands from the deputy? (i.e. drop the weapon; do not move; show me your hands, etc.)
  4. Is the suspect / subject verbalizing threats to the deputy or others?
  5. Will the application of force by the deputy in order to overcome the resistance or level of force posed by the suspect / subject unreasonably endanger another citizen or deputy given the circumstances?
- C. When determining whether or not the suspect / subject is actively resisting arrest or attempting to evade arrest by flight, the deputy should analyze the following (this list is not all inclusive):
1. Is the suspect /subject resisting or evading arrest by non-compliance with lawful commands from the deputy?
  2. Is the suspect / subject resisting apprehension or arrest by using physical force?
- D. When determining the severity level of the crime, the deputy should consider the following (this list is not all inclusive):
1. Is the crime a crime of violence or a property crime?
  2. Was anyone harmed during the crime? If so, was it to the level of great bodily injury or death or was it a minor injury?
  3. Was the suspect armed when he or she committed the crime?
  4. Is the crime classified as a misdemeanor or felony?





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3. Is the suspect / subject evading arrest by walking away? Running away? Fleeing in a motor vehicle or other mode of transportation?
4. Is the danger to the public and other deputies greater if the suspect / subject remains uncaptured as a result of their resistance or flight or is there a greater danger to other deputies and / or the public if the deputy uses the proposed level of force to apprehend the suspect / subject?

**E. Numbers, Skill and Size Disparities**

1. Occasionally a deputy will be confronted during an encounter by more than one adversary, by an adversary who has been trained to a skill level in combat that places the deputy at a disadvantage, or the deputy may be confronted by an individual that is considerably larger in size or stronger than the deputy. Any of these situations can place the deputy in a position of having a significant tactical disadvantage that may warrant the deputy using a higher level of force than would have been necessary had one or more of these disparities not been present.

**F. Managing Risk / Deputy Created Jeopardy**

1. Deputy created jeopardy occurs when a deputy places him- or herself into a position that requires the deputy to use force, and had the deputy not placed him- or herself into that position or into a position of tactical disadvantage, the force required would not have been used or a less intrusive level of force could have been used.
2. Examples of deputy created jeopardy include but are not limited to standing in front of a moving motor vehicle that is moving towards the deputy, that is occupied by a suspect of a criminal act, when there was ample time to move out of the way, but yet the deputy chose to stand his ground and fire into the vehicle striking the suspect and killing him/her. Another example of deputy created jeopardy would be responding to an armed suicidal subject call at a residence and running into the residence to confront the armed subject instead of trying to deescalate the situation through negotiations from a position of tactical advantage.





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**G. Moving from a Show of Force to a Use of Force or Moving From One Type of Force to another Type of Force**

1. Nothing in this policy prevents a deputy from transitioning from one level of force (i.e. the use of pepper spray as an example) to another level of force (i.e. deadly force) if the situation dictates such a transition. There is no requirement that a deputy "escalate" through all levels of force, from the least intrusive level of force to the most intrusive level of force, in order to reach the desired level of force for the particular situation.
2. A deputy may also be required to transition between a show of force to a use of force with the same or different weapon system in a very short time frame.

**H. Types of Less-lethal systems Utilized vs. Level of Threat / Resistance**

1. Listed below are the various systems / techniques that the members of the Curry County Sheriff's Office may be trained to operate / utilize when dealing with non-cooperative or violent suspects / subjects. If reasonable to do so, and if it would not place the deputy or a citizen at a tactical disadvantage, the deputy should give a warning prior to deploying any type of less-lethal device / system.

**a. System Type – Empty Hand Techniques**

**i. Empty hand techniques include the following (not all in inclusive):**

- (a) Escort position
- (b) Wrist locks / Twist locks
- (c) Pressure points
- (d) Knee / elbow impact counters
- (e) Armbar takedowns
- (f) Impact takedowns



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- (g) Ground control techniques
  - (h) Kicking countermeasures
  - (i) Open hand impact techniques
- ii. Empty hand techniques are generally used to overcome the following types of resistance or during the following types of situations, realizing that the appropriate empty hand technique must be used for the appropriate level of resistive in accordance with agency training guidelines (this list is not all inclusive):
  - (a) To overcome passive resistance by a subject to lawful arrest or detention by a deputy.
  - (b) To overcome active resistance by a subject to lawful authority or when subject to arrest by a deputy.
  - (c) To gain custody and/or control of subject who unlawfully flees or attempts to evade a deputy in the lawful performance of their duty.
  - (d) When a suspect or subject verbally or physically threatens a deputy when the suspect has the means and ability to complete an assault.
  - (e) Against a suspect or subject that is assaulting a deputy or citizen with personal weapons (hands, feet, teeth, etc.)
- iii. System Type – Chemical Munitions (Orthochlorbenzalmalononitrile (a.k.a. CS) or Oleoresin capsicum (a.k.a. OC))
  - (a) OC and / or CS can be deployed in the following ways:
    - (1) Pyrotechnic combustion
    - (2) Blast dispersion
    - (3) Expulsion
    - (4) Liquid projectile
    - (5) Powder projectile



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- (6) Liquid aerosol
- (7) Fog
- (b) OC and / or CS are generally used to overcome the following types of resistance / or during the following types of situations (this list is not all inclusive):
  - (1) As a show of force
  - (2) When confronted with assaultive behavior (words or actions)
  - (3) If attempting to apprehend a suspect / subject that is unlawfully fleeing from the deputy
  - (4) To overcome physical active resistance to a lawful arrest
  - (5) As a means of expelling a suspect / subject from a fortified or barricaded position (i.e. criminal barricade or armed mentally ill subject)
  - (6) As a means of detection within a structure
  - (7) To control or subdue a threatening animal
- iv. System Type – Electronic Restraint Device (i.e. Taser)
  - (a) Electronic Restraint Devices can be deployed in the following ways:
    - (1) Prong deployment at distance (varies)
    - (2) Direct contact (i.e. drive stun)
  - (b) Electronic Restraint Devices are generally used to overcome the following types of resistance / or during the following types of situations (this list is not all inclusive):
    - (1) As a show of force
    - (2) When a suspect / subject verbally threatens the deputy when the suspect has the opportunity and ability to complete an assault



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(3) Against a suspect / subject that is assaulting a deputy or citizen with personal weapons (hands, feet, teeth, etc.)

(4) To control or subdue a threatening animal

v. System Type – Patrol K-9

(a) Patrol K-9's can be deployed in the following ways:

(1) On lead (Patrol K-9 is tethered to the handler while conducting a search)

(2) Off lead (Patrol K-9 is not tethered to the handler and is free to search under the verbal direction of the handler)

(3) Patrol K-9's primary purpose is to locate persons or things, but can be used as a use of force (bite) if reasonable under the circumstances

(b) Patrol K-9's are generally used to overcome the following types of resistance / or during the following types of situations (this list is not all inclusive):

(1) As a show of force

(2) To locate and / or detain an escapee from a jail or prison who had been committed to the facility for a violent crime

(3) To locate and / or detain an outstanding criminal suspect who is believed to be the perpetrator of a violent criminal offense or who is believed to be armed with a deadly weapon

vi. System Type – Expandable Baton

(a) Expandable Baton's can be deployed in the following ways:

(1) In a swinging motion in the expanded position

(b) Expandable Baton is generally used to overcome the following types of resistance / or during the following types of situations (this list is not all inclusive):



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- (1) As a show of force to counter a subject who verbally or physically threatens a deputy or other citizen, when the suspect has the opportunity and ability to complete an assault.
- (2) Against a suspect or subject that is assaulting a deputy or citizen with personal weapons (hands, feet, teeth, etc.)
- (3) To control or counter an aggressive, attacking animal.

vii. System Type – Extended Range Impact Devices (ERID)

- (a) ERID's can be deployed in the following variations:
  - (1) 12 gauge system (Lightfield)
  - (2) 37mm system (Sage)
  - (3) 68 caliber projectiles (Pepperball)
  - (4) 31caliber projectiles (Stinger Grenade)
- (b) ERID's are generally used to overcome the following types of resistance / or during the following types of situations (this list is not all inclusive). Additionally, each type of ERID that is utilized by this agency will have different injury potentials and therefore will generally be used in varying scenarios depending on what level of force the deputy is being confronted with (see individual ERID policies and training curriculums for specifics on use):
  - (1) As a show of force when confronted with a suspect / subject that is armed with a deadly weapon, and when available distance and hard cover are used in conjunction with lethal cover
  - (2) As an area denial system (Pepperball with PAVA munitions)



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- (3) When confronted by a suicidal subject that is armed with a deadly weapon and lethal cover and hard cover are used in conjunction with the ERID
- (4) When confronted by a subject that has committed a violent misdemeanor and who refuses to comply with lawful orders (Pepperball)
- (5) When confronted by a subject that has committed a violent felony and who refuses to comply with lawful orders

**I. Deadly Force and Weapons of Opportunity**

- 1. Generally deadly force can be used by a deputy of this agency during the following types of situations (this list is not all inclusive):
  - a. When a suspect or subject threatens a deputy or a citizen with a deadly weapon and the deputy has probable cause to believe that he or the citizen are in imminent danger of serious bodily harm or death as a result of the posed threat.
  - b. When a deputy has probable cause to believe a suspect is attempting to escape from the vicinity of a violent confrontation in which the suspect inflicted or threatened the infliction of death or great bodily injury, and if the suspect were allowed to escape, it would be reasonable to believe that he would continue to pose a danger to deputies or others
  - c. To kill a dangerous animal or one that humane treatment requires its removal from further suffering and alternative methods of disposition are impractical and when the use of such force will not unreasonably endanger another person.
  - d. Imminent danger which may require the use of deadly force may also exist if a deputy has probable cause to believe that:
    - i. 1) the subject poses a threat of serious physical injury **and**
    - ii. 2) the deputy has probable cause to believe any of the following:



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- (a) When a suspect possesses a weapon, or is attempting to gain access to a weapon, under circumstances indicating an intention to use it against a deputy or other person
  - (b) When a violent felony suspect is armed with a firearm and is moving to gain the tactical advantage of cover
  - (c) When a suspect(s) with the capability of inflicting death or great bodily injury, or otherwise incapacitating a deputy, without a deadly weapon, is demonstrating an intention to do so
- e. If reasonable to do so, and if it would not place the deputy or a citizen at a tactical disadvantage, and if time allows, the deputy should give a warning prior to deploying deadly force. An example of a warning could be, "Police. Stop or I will shoot" or "Drop the knife / gun or I will shoot".
- f. In some instances it may be appropriate for a deputy to utilize a weapon of opportunity to defend him- or herself or others. If a deputy becomes disarmed (loss of less-lethal tool or approved firearm), or if a deputy cannot use an approved weapon because of injury or for other legitimate reasons, or if a weapon of opportunity is the most reasonable response, a deputy is authorized to use a weapon of opportunity to defend him- or herself or another as long as the weapon used is an objectively reasonable use of force, given the threat posed by the suspect/subject.
- g. Deputies are not authorized to fire "warning" shots. If it is objectively reasonable for a deputy to use deadly force to protect him- or herself or another, then the deputy should apply the force required at that time.

**J. Use of Force Reporting**

1. Every time a deputy of this office does any one or more of the following actions, a use of force report will be completed.
  - a. A show of force, with a lethal weapon, less-lethal weapon or weapon of opportunity that is intended to control a subject's behavior





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- b. A deployment of force, with a lethal weapon, less-lethal weapon, a weapon of opportunity, or with an empty hand technique.
2. The mere act of hand cuffing or placing a subject/suspect in hand cuffs, leg irons or other approved Sheriff's Office restraints is not considered a use of force that would require a reporting action, unless the approved restraint device was used in conjunction with an empty hand technique such as a "cuff grab or drag" or using the restraint device as a weapon. Additionally, escorting a compliant subject or arrestee is also not considered a use of force.
3. The use of force report will be completed and forwarded to the employees' immediate supervisor prior to the end of his/her shift.
4. Within three (3) business days the supervisor will review the use of force report for accuracy and to ensure that the employee utilized force in accordance with Sheriff's Office policy and agency training protocols. If a supervisor finds that an employee over or under utilized too much force during an incident, that will be notated on the report and the employee will receive remedial training on the topic within (5) business days. That report will also be flagged for a use of force review (see #7 below). If a supervisor believes that an employee has committed an act of police brutality (a criminal act) it will immediately be reported to the employee's chain of command.
5. If any deputy with this Sheriff's Office witnesses another law enforcement officer utilizing force that is a violation of the law, he or she will immediately intervene to stop the unlawful application of force. Additionally, it is that deputy's duty to report to his or her immediate supervisor any acts that he or she witnesses that would constitute an unlawful application of force by any law enforcement officer.
6. At the direction of the Sheriff or his designee, if a deputy utilizes force that results in serious physical injury or death, that deputy may be removed from line duties and placed on administrative leave or an alternative assignment, pending a investigation of that particular use of force.



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7. Once every six calendar months the use of force instructor cadre for the agency will meet and randomly select at least 10% of the compiled use of force reports and review them for use of force trends, short comings and for training purposes. If the review panel finds training deficiencies or policy violations, those findings will be reported to the Sheriff.

**K. Use of Force Training**

1. In addition to any required NMLEA training on use of force, every deputy with this agency will be trained on this policy in its entirety every two years.
2. Every deputy within the Sheriff's Office will be provided a copy of this policy prior to being issued a Sheriff's Office weapon.
3. Any formal use of force training or remedial use of force training will be documented and catalogued in accordance with this agency's policy on training documentation.

**VII ATTACHMENTS**

Use of Force Report

**VIII APPROVAL**

APPROVED BY: s/ SHERIFF WESLEY WALLER Date: FEBRUARY 1, 2017

# CURRY COUNTY SHERIFF'S OFFICE

WESLEY WALLER  
SHERIFF



MIKE REEVES  
UNDERSHERIFF

## Response to Resistance Report

Date/Time of Incident:	Incident Report Number:
<input type="checkbox"/> Use of Force	<input type="checkbox"/> Show of Force
Location of incident:	Supervisor(s) notified <input type="checkbox"/> Yes <input type="checkbox"/> No Supervisor(s) on scene <input type="checkbox"/> Yes <input type="checkbox"/> No
Nature of call or incident:	Charges:

Offender Name: \_\_\_\_\_

Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Race: \_\_\_\_\_

Clothing Description: \_\_\_\_\_

Offender under the influence of: ☐ Alcohol ☐ Drugs ☐ Other

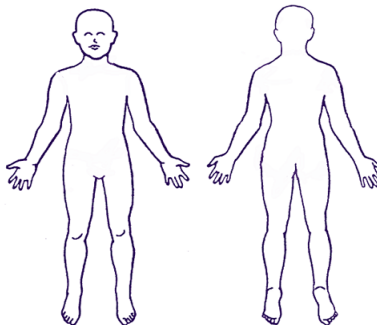
List substance(s) if known: \_\_\_\_\_

Type of Force used or displayed by Offender (check all that apply):

☐ Physical ☐ Impact ☐ Cutting Instrument ☐ Firearm ☐ Other (explain)

Offender Injury Description: \_\_\_\_\_

\_\_\_\_\_



Treatment (list agency and or facility rendering treatment if applicable):

☐ EMS \_\_\_\_\_ ☐ Hospital \_\_\_\_\_

☐ None ☐ Other (explain) \_\_\_\_\_

Deputy(ies) using force: \_\_\_\_\_

Type of force used (check all that apply): ☐ Service Dog

☐ Defensive Tactics ☐ O.C. Spray ☐ Baton ☐ TASER ☐ Firearm

☐ Weapon of opportunity (explain): \_\_\_\_\_

Body camera recording: ☐ Yes ☐ No Vehicle camera recording: ☐ Yes ☐ No

Photographs taken: ☐ Yes ☐ No

#### CEW USE DATA

CEW serial number:	Cartridge(s) Serial Number:
CEW Manufacturer and Model:	Cartridge Type(s):
Number of cartridges fired: _____ Number of probe contacts: _____	
Number of probes penetrating skin: _____ Number of stun contacts: _____	
CEW use: <input type="checkbox"/> Success <input type="checkbox"/> Failure	Offender wearing heavy or loose clothes: <input type="checkbox"/> Yes <input type="checkbox"/> No
Number of CEW cycles applied:	Approximate distance at time of probe launch:
Distance between probes:	Probes removed at scene: <input type="checkbox"/> Yes <input type="checkbox"/> No Removed by:
Need for additional cartridges: <input type="checkbox"/> Yes <input type="checkbox"/> No Reason: <input type="checkbox"/> Defective Cartridge <input type="checkbox"/> Missed offender <input type="checkbox"/> offender reengaged <input type="checkbox"/> Other _____	

#### BATON USE DATA

Baton Manufacturer and Model:	Number of strikes:
Targeted area(s):	

#### O.C. SPRAY USE DATA

Manufacturer and Model:	Approximate duration:
Decontaminated: <input type="checkbox"/> Yes <input type="checkbox"/> No	Decontaminated by:

### FIREARM USE DATA

Manufacturer and Model:	Firearm serial number:
Number of shots fired:	

### DOCUMENTATION

Copy of body camera video attached: <input type="checkbox"/> Yes <input type="checkbox"/> No
Copy of vehicle camera video attached: <input type="checkbox"/> Yes <input type="checkbox"/> No
Copy of incident report attached: <input type="checkbox"/> Yes <input type="checkbox"/> No
Copy of radio logs attached: <input type="checkbox"/> Yes <input type="checkbox"/> No

### SUPERVISORY REVIEW

Supervisor's Determination (was the use of force justified and within policy? <input type="checkbox"/> Yes <input type="checkbox"/> No
_____
_____
_____
Supervisor's signature: _____ Date: _____

### ADMINISTRATIVE REVIEW

Undersheriff Determination (was the use of force justified and within policy? <input type="checkbox"/> Yes <input type="checkbox"/> No
_____
_____
_____
Supervisor's signature: _____ Date: _____

### SHERIFF REVIEW

Sheriff Review/Action: <input type="checkbox"/> Use of force justified and in compliance with SOP
<input type="checkbox"/> Use of force not in compliance with SOP
<input type="checkbox"/> SOP revisions
<input type="checkbox"/> Disciplinary Action
_____
_____
_____
Supervisor's signature: _____ Date: _____